

HIOSH ADVISORY COMMITTEE
Minutes August 21, 2003

Present: Lani Bjork, Richard Botti, Steven Brooks, Paul Chang, Delbert DeRego, Robert Dove, Connie Hastert, Charles Kelley, Tracy Lawson, Tim Lyons, Robert Nakamatsu, James Newberry, Cherie Raymond, Gareth Sakakida, Alan Hiramatsu for Thomas Vendetta, Clayton Winger and Roy Yamamoto

Absent: Arthur Akana, Gerald Estenzo, Wade Hashizume, Orlando Soriano, and Peter Trask

HIOSH: Jennifer Shishido, James Decker, Ellen Kondo, Masayoshi Ogata, Mark Behrens, and Terry Oyafuso (Recorder)

DLIR: Nelson Befitel, Director

Meeting called to order at 1:00 pm by Lani Bjork, Chair.

1. Minutes of November 14, 2002, February 20, 2003 and May 22, 2003 approved.
 - Approved change in quorum from 10 to 8.
2. Director Nelson Befitel's Remarks
 - Would like committee to do more in serving the industry and public.
 - Distributed the Field Operations Manual (CD) - would like members to review and make any suggestions/comments. Also, distributed a CD of the administrative rules.
 - Major changes in HIOSH
 - Serve as a consultation agency first and then enforcement.
 - SHARP program - would like to get at least 20 businesses to commit and 15 safety officers (private consultants) to help us. (SWAP)
 - Challenge - small consultation branch and will work with private consultants to donate their time. In the process of preparing a comprehensive strategic plan.
 - Not cite for other than serious violations but have employers make correction right on the spot.
 - Intention is to educate the companies and they not to do it again.
 - Focus on serious violations.
 - Work with business to create more partnerships and be more business friendly.

Individual Comments - Members/Public:

- Jim Peck (Public) - Disagrees with approach that minor violations that are corrected on the spot not receive citation. Experience shows that many minor violations can be serious. Also, without enforcement, many employers will not comply. Within the insurance industry, we have a very difficult time convincing employers to comply with safety laws until it is too late – accident and we raise their premiums or we drop their coverage. *Response: HIOSH will not be reducing their enforcement activities. We will still cite for serious items. But the focus and intention is to educate first through consultation so that companies will understand why they must comply with safety rules.*
- Robert Dove (HEMIC) - Agrees with policy. Small businesses, especially, will be more inclined to voluntarily comply if they can trust HIOSH. If they see that minor violations are not cited, they are more apt to work with Consultation.
- Thomas Goob (Public) - Ergonomics Issue – Feels that ergonomics should still be addressed, if not through enforcement, at least by the inspector looking at the employer's injury and illnesses and ergonomics program. Then making recommendations for improvement. *Response: Director agreed. Compliance officers should always provide advice on how to prevent injuries. Believes that businesses must be informed first about their obligations before citations can be issued. There must be rulemaking involving all stakeholders if we determine that we need an ergonomics standard, so that employers will know what they must do. HIOSH will still cite for egregious cases of ergonomics under the general duty clause. These would be obvious cases, such as a worker carrying a piano down a flight of stairs.*
- Richard Botti (LISH)- Agrees with policy. Have always encouraged clients to request consultations, but this will improve trust with HIOSH. Sometimes had to protect clients from HIOSH enforcement

which had a "carrying a stick approach". Another good change is that there is now a lot of information on the HIOSH web page. I tell everyone to go there for information.

- James Newberry (ASSE) - Need to keep a balance of both enforcement and consultative approach. Small employers need a lot of help, hand-holding, in order to achieve the changes necessary to have a safe and healthful workplace. Without that balance of enforcement and consultation, there will be no change.
- Tracy Lawson (Dick Pacific) - Private Consultants – HIOSH is short-staffed (staff are very underpaid) and agree that they need help. However, concern for private safety and health consultants is liability. *Response: We understand that and are working on resolving the liability issue.*

3. HIOSH Activities/Status Reports (powerpoint available on HIOSH's homepage at hiosh.hawaii.gov).

- a. 5-Year Strategic Management Plan
 - Copies will be distributed to members as soon as approved by OSHA.
- b. Consultation & Training Branch
 - SHARP - Safety and Health Achievement Recognition Program
 - Priority now, but will take a lot of time and effort as there are only 5 consultants for 35,000 businesses.
 - Will use volunteered private consultants.
 - An audit will still be required.
- c. Administration & Technical Branch
 - No new standards.
 - New recordkeeping form to delete MSD will be distributed as soon as available.
- d. Occupational Safety Branch
 - Accidents (2) - run over by equipment and worker fell.
 - Fall protection violations - citation for willful will be issued as company cited four times for fall protection.
- e. Occupational Health Branch
 - Investigated six discrimination cases since the last meeting - 3 determined no merit; 1 settled; 1 found discrimination and 1 pending investigation.

4. Other Concerns/Information

- a. Substance abuse
 - Would like DLIR/HIOSH endorse drug testing by issuing a policy statement.
 - Have sample programs, educational information.
 - HIOSH's homepage links to the various organizations regarding substance abuse.
- b. Employee Leasing Companies
 - Safety issues on enforcement - suggestion was to make a recommendation to the Administration to bring it up for Legislation.
- c. Aging workforce a concern - Jennifer to work on this.
- d. Any success stories, please let HIOSH know.
- e. Director has approved for meetings to be held at another site.
- f. Agenda items - Please let HIOSH.